

wherein the top, bottom, opposed side panels, first door, and second door are arranged and constructed to substantially prevent ventilation between the enclosed volume and the environment such that the enclosed volume attains a temperature that is normalized with the environment by means of thermal conductivity alone.

55. (Added) The system as recited in claim 54, further comprising rollers attached to the base to impart mobility to the enclosure.

56. (Added) The system as recited in claim 54, further comprising a partition disposed within the enclosure for dividing the enclosed volume into first and second enclosed sub-volumes.

*END
A₁* 57. (Added) The system as recited in claim 56, wherein the partition is horizontally disposed within the enclosure.

REMARKS

In the application claims 50-57 remain pending which have been added by amendment. Support for the added claims is found in the specification and claims originally filed and, as such, no new matter has been added. Claims 1-49 have been cancelled.

In the Office Action, originally filed claims 1-13 were rejected under 35 USC § 102 as being anticipated by Raufeisen (U.S. 4,674,402), Rubbright (U.S. 4,323,110), or Cohn (U.S. 5,782,174) and 35 USC § 103 as being rendered obvious by Cohn or Rubbright in view of Baggot. Believing that the claims are allowable over the art of record, it is respectfully requested that the rejections be reconsidered.

It is well settled that a rejection under 35 USC § 102 requires a single prior art reference to disclose each and every element set forth in a claim under consideration. In this regard, *all* of the limitations of a claim, including functional limitations, must be considered when weighing the differences between the claimed invention and the prior art. Meanwhile, a rejection under 35 USC § 103 requires some suggestion or motivation to modify the prior art to arrive at the claimed invention. When considering obviousness, it is impermissible to use hindsight, or the applicants' disclosure, to provide the necessary suggestion or motivation.

It is submitted that the art of record neither discloses nor suggests each and every limitation set forth in the claims at issue. By way of example, none of the cited references can be said to disclose the claimed dough proofing enclosure wherein the top, bottom, opposed side panels, first door, and second door are arranged and constructed to substantially prevent ventilation between the enclosed volume and the environment such that the enclosed volume attains a temperature that is normalized with the environment by means of thermal conductivity alone. Accordingly, the rejection of the claims must be withdrawn.

Rather than disclose the claimed dough proofing enclosure wherein the top, bottom, opposed side panels, first door, and second door are arranged and constructed to substantially prevent ventilation between the enclosed volume and the environment such that the enclosed volume attains a temperature that is normalized with the environment by means of thermal conductivity alone, Raufeisen discloses a cart (29) that fails to provide an enclosed volume. Thus, contrary to the present invention, Raufeisen teaches the desirability of allowing air to flow freely between the cart (29) and the environment within a chamber (15) to thaw, retard, and proof baked goods. Similarly, Rubbright, which discloses a cart (9) that is adapted to have chilled/heated air circulated over the trays, cannot be said to disclose, teach, or suggest the

desirability of a cold proofing apparatus in which the enclosed volume attains a temperature that is normalized with the environment by means of thermal conductivity alone. This is also true of Cohen which, like Rubbright, teaches the desirability of using a module (12) to circulate steam heat over the trays. For at least these reasons, it is submitted that the art of record cannot be said to anticipate or render obvious the claims at issue and, as such, the rejection of the claims must be withdrawn.

CONCLUSION

The subject application is considered to be in condition for allowance. Such action on the part of the Examiner is respectfully requested. If, however, the Examiner feels that a telephone conference would expedite the allowance of the subject application, the Examiner is requested to contact the attorney undersigned.

While it is not believed that any fees are due, the Commissioner is authorized to charge any fee deficiencies to deposit account number 011,156.

Respectfully submitted,

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Certificate of Mailing: I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on this 4th day of November, 2002.

By: 

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